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Attorney Docket # 5176-14PRCE

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Youe-Kong Shue et al.

Patent No.: 7,507,564

Issued: March 24, 2009

For: Tiacumicin Production

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

April 21, 2009

(Date of Deposit)

Kent H. Cheng

Name of applicant, assignee or Registered Representative

*Kent H. Cheng*

Signature

April 21, 2009

Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION  
UNDER 37 C.F.R. 1.322

SIR:

In compliance with the requirements of 37 C.F.R. 1.322, the undersigned hereby respectfully requests that the attached certificate of correction be issued correcting the Letter Patent as follows:

--(60) Related US Application Data

60/399,956 07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumicin Production," please add:

**Certificate**  
APR 27 2009  
**of Correction**  
APR 27 2009

## FIELD OF INVENTION

The invention relates generally to fermentation production of antibiotics and to media used in the same.

## RELATED APPLICATIONS

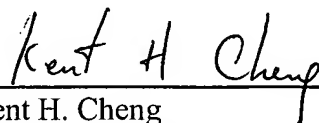
Benefit of priority under 35 U.S.C. 119(e) is claimed herein to U.S. Provisional application No. 60/399,956, filed July 29, 2002 and International Application No. PCT/US2003/021977 filed 15 July 2003. The disclosures of the above-reference applications are incorporated by reference in their entirety herein.

The provisional patent application data was omitted by the USPTO from the face and specification of the Letters Patent. Evidence of this omission can be found on the first page of the specification filed January 11, 2005 (WO 2004/014295 A2) and the Filing Receipt, a copy of which is enclosed herewith.

No fee is due in connection herewith. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By

  
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Dated: April 21, 2009

APR 27 2009

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO : 7,507,564  
DATED : March 24, 2009  
INVENTOR(S) : Youe-Kong Shue

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

--(60)            Related US Application Data

60/399,956      07/29/2002 ABN--

In the Specification

In column 1, line 1, after the title "Tiacumicin Production," please add:

FIELD OF INVENTION

The invention relates generally to fermentation production of antibiotics and to media used in the same.

RELATED APPLICATIONS

Benefit of priority under 35 U.S.C. 119(e) is claimed herein to U.S. Provisional application No. 60/399,956, filed July 29, 2002 and International Application No. PCT/US2003/021977 filed 15 July 2003. The disclosures of the above-reference applications are incorporated by reference in their entirety herein.

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PATENT NO. 7,507,564

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(19) World Intellectual Property  
Organization  
International Bureau



(43) International Publication Date  
19 February 2004 (19.02.2004)

PCT

(10) International Publication Number  
**WO 2004/014295 A2**

- (51) International Patent Classification<sup>7</sup>: **A61K** **DUFFIELD, Jonathan, James** [GB/US]; 3865 Albatross Street, #10, San Diego, CA 92103 (US).
- (21) International Application Number: PCT/US2003/021977 (74) Agent: JURGENSEN, Thomas, E.; Catalyst Law Group, APC, 4330 La Jolla Village Drive, Suite 220, San Diego, CA 92122 (US).
- (22) International Filing Date: 15 July 2003 (15.07.2003)
- (25) Filing Language: English (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (26) Publication Language: English
- (30) Priority Data: 60/399,956 29 July 2002 (29.07.2002) US (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- (71) Applicant (*for all designated States except US*): OPTIMER PHARMACEUTICALS, INC. [US/US]; 10110 Sorrento Valley Road, Suite C, San Diego, CA 92121 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (*for US only*): SHUE, Youe-Kong [US/US]; 7869 Via Teca, Carlsbad, CA 92009 (US). DU, Chi-Jen, Frank [CN/CN]; No. 131, Sec 2, Minsheng E. Rd, Jungshan Chiu, Taipei 104 (TW). CHIOU, Ming-His [CN/CN]; No. 85-4, Jens St., Taoyuan City, Taoyuan 330 (TW). WU, Mei-Chiao [CN/CN]; No. 143, 11 Lin Shandung Li, Jungli City, Taoyuan 320 (TW). CHEN, Yuan-Ting [CN/CN]; No. 108, Sec. 2 Junghua Rd., Jian Shiang, Hualien 973 (TW). OKUMU, Franklin, W. [US/US]; 3097 Palm Street, San Diego, CA 92104 (US).
- Published:**  
— *without international search report and to be republished upon receipt of that report*
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

(54) Title: TIACUMICIN PRODUCTION

(57) Abstract: Methods, processes and materials for the production and recovery of Tiacumicins produced by culturing a microorganism belonging to the species *Dactylosporangium aurantiacum* subspecies *hamdenensis* having the ability to produce and accumulate one or more Tiacumicin in a nutrient medium comprising a carbon source, a nitrogen source, trace elements such as inorganic salts, and an adsorbent, wherein said nitrogen source comprises fish powder, and wherein said Tiacumicin is produced in a yield greater than about 50 mg/L broth.

WO 2004/014295 A2

APR 27 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,863	07/13/2005	1651	515	5176-14PUS	2	26	3

CONFIRMATION NO. 4452

27799  
COHEN, PONTANI, LIEBERMAN & PAVANE  
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NEW YORK, NY 10176

## FILING RECEIPT



\*OC000000019953104\*

Date Mailed: 08/09/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Assignment For Published Patent Application

Optimer Pharmaceuticals, Inc., San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 27799.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/21977 07/15/2003  
which claims benefit of 60/399,956 07/29/2002 ABN

## Foreign Applications

Projected Publication Date: 11/16/2006

Non-Publication Request: No

Early Publication Request: No

AUG

APR 27 2009

POTTSUS01

**\*\* SMALL ENTITY \*\*****Title**

Tiacumicin production

**Preliminary Class**

435

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APR 27 2000

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APR 27 2009